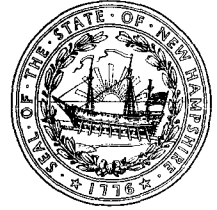




The State of New Hampshire  
***Department of Environmental Services***



**Michael P. Nolin**  
Commissioner

LETTER OF DEFICIENCY  
WD WQE 06 – 005  
June 28, 2006

Dwight Barton, General Partner  
D&M Barton Ltd Partnership  
206 Fair Street  
Laconia, New Hampshire 03246

RE: Cross Mill Village, Northfield, NH  
Site Specific Permit # WPS-6804-B  
Wetlands Permit # 2004- 664  
Violations of RSA 485-A:17 and RSA 482-A

Dear Mr. Barton:

The Department of Environmental Services (“DES”) conducted inspections of your property on May 16, May 30, and June 20, 2006 to determine compliance with RSA 485-A:17, Alteration of Terrain, and RSA 482-A, Wetlands. The parcel located on Cross Mill Road, Northfield, New Hampshire, is more particularly identified on Northfield Tax Maps as Map R-4, Lot 2 (“the Property”).

During the inspection DES personnel observed the following deficiencies:

- a) The subdivision road is roughed-in (not to grade and not stabilized);
- b) ~~The drainage system is not complete; catch basins have been installed and are capturing run-off, but detention basins and swales have not been completed and/or are not stabilized;~~
- c) Some erosion control measures have been installed on the Property but are inadequate; silt fence and hay bales are in need of maintenance or replacement;
- d) Soil piles are unstable and have not been ringed with erosion control measures;
- e) Erosion and sedimentation is evident throughout the site;
- f) Orange construction fence has not been installed at the edge of wetlands;
- g) There appears to be unpermitted clearing and grubbing of wetlands;
- h) There is significant sedimentation throughout wetlands and streams on the Property as well as offsite;

- i) A stream channel has been dredged and the spoils were placed within jurisdictional wetlands; and,
- j) Construction of homes has started (out of sequence).

In response, you are requested to take the following action:

1. **Immediately** stabilize the Property and install erosion control measures as necessary to protect surface water quality and prevent erosion; and, remove all sediment from drainage structures.

At a minimum, the following activities shall be completed **within 7 days of the date of this LOD**:

- a) Loam, seed, and mulch all unstabilized/unvegetated (or sparsely vegetated) areas; install erosion control matting on all slopes steeper than 3:1.
  - b) Remove accumulated sediment from all swales;
  - c) Install, reinstall or maintain all erosion control devices, as necessary;
  - d) Install erosion control measure around material stockpiles; and,
  - e) Install orange construction fence at the edge of all wetland areas.
2. **Within 10 days of the date of this LOD**, retain a Professional Engineer (P.E.) or a Certified Professional in Erosion and Sediment Control (CPESC) to monitor all portions of Cross Mill Village including construction of drainage structures and implementation of stabilization measures on the Property. **And, notify DES, in writing**, of the name and contact information of the PE or CPESC and the date monitoring will begin (no later than July 14, 2006). The monitor shall, at a minimum, carry out the following:

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- a) Perform inspections once every 7 days and within 24 hours of a 0.5 inch rain event, or greater (i.e., 0.5 inch or more of precipitation within a 24 hour period).
  - b) Provide technical assistance and recommendations to the contractor performing the work on the Property.
  - c) Provide DES with monitoring reports **within 24 hours** of each inspection via e-mail to [aherrero@des.state.nh.us](mailto:aherrero@des.state.nh.us) and [sherbold@des.state.nh.us](mailto:sherbold@des.state.nh.us). The monitoring reports shall include the following:
    - i) The status of the corrective action for each discrepancy noted above in this LOD, and the timetable for completion of the discrepancy;
    - ii) A description of additional erosion, sedimentation, stabilization, drainage and runoff deficiencies observed during the inspection; and,

iii) A list of proposed recommendations to correct additional deficiencies observed during the inspection, and the timetable for completion of these items.

3. **Within 30 days of the date of this LOD**, submit a wetlands restoration plan, prepared and stamped by a New Hampshire certified wetland scientist, to DES for review and approval. The plan should specifically include provisions for the removal of sediment and dredge spoils from all jurisdictional areas and restoration of the dredged stream channel and wetlands impacted by grubbing. Submit the following with the restoration plan:

- a) A plan with dimensions, drawn to scale, showing:
  - i) Existing conditions, with wetland boundaries; and,
  - ii) Proposed conditions after reestablishing the jurisdictional areas.
- b) A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c) A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d) A description of the proposed construction sequence and methods for accomplishing restoration and an anticipated restoration compliance date; and
- e) A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

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4. Retain a New Hampshire certified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

5. Obtain permission from offsite property owners to access and conduct work on their property.

6. **Within 60 days of the date of this LOD**, implement the restoration plan after receiving written approval from and as conditioned by DES and in accordance with the approved schedule.

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A and RSA 482-A may result in enforcement by DES, including, but not limited to, the issuance of fines, administrative orders, or referral to the New Hampshire Office

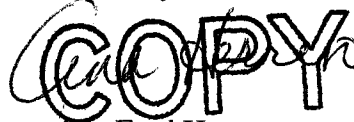
of the Attorney General for prosecution of civil or criminal penalties.

Submit your plans and reports to:

Ana Herrero  
Department of Environmental Services  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this Letter of Deficiency, please call me at (603) 271-3380.

Sincerely,

A large, stylized, handwritten word "COPY" in capital letters. Overlaid on the left side of the "COPY" is a handwritten signature in cursive script that appears to read "Ana Ford Herrero".

Ana Ford Herrero  
Compliance Specialist  
Site Specific Program

cc: Gretchen R. Hamel, DES Legal Unit Administrator  
James Martin, DES Public Information Officer  
Stacey Herbold, DES Wetlands Compliance Specialist  
Northfield Planning Board  
Northfield Conservation Commission

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